

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SANHO CORPORATION,

Plaintiff,

v.

ALOGIC USA LLC,

Defendant.

Case No. 20-cv-03182-PJH

**ORDER TERMINATING PENDING
MOTION TO DISMISS WITHOUT
DECISION**

Re: Dkt. Nos. 15, 21

The court is in receipt of plaintiff's "unopposed" administrative motion to take defendant's pending motion to dismiss (Dkt. 15) "off calendar in light of plaintiff's filing of first amended complaint." Dkt. 21. The court construes plaintiff's administrative motion as a request that it terminate defendant's pending motion to dismiss without decision. While plaintiff styles his administrative motion as "unopposed," it appears that defendant has stipulated to this motion by acknowledging that plaintiff's recently filed first amended complaint ("FAC") "partially mooted" its pending motion to dismiss and indicating its "consent" to plaintiff's administrative request. Dkt. 21 at 10.

Accordingly, the court hereby **TERMINATES** without decision defendant's pending motion to dismiss (Dkt. 15). Any response by defendant must be directed at the FAC (Dkt. 20) in the time permitted under the applicable rules or otherwise stipulated to by the parties pursuant to Local Rule 6-1(a). The court separately notes that, contrary to the parties' suggestion in the attached emails, their initial case management conference is scheduled for November 12, 2020, Dkt. 19 at 4, **not** October 8, 2020, Dkt. 21 at 10.

IT IS SO ORDERED.

1 Dated: September 30, 2020

2 /s/ Phyllis J. Hamilton
3 PHYLLIS J. HAMILTON
4 United States District Judge
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